

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TINA DIGAETANO,

Plaintiff,

Case No. 23-cv-12078
Hon. Matthew F. Leitman

vs.

BLUE CROSS BLUE SHIELD
OF MICHIGAN, d/b/a BCBSM,

Defendant.

/

ORDER OF CONSOLIDATION FOR DISCOVERY

This case is one of a group of similar cases filed in this district that is to be consolidated with *Emerson v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12576, for purposes of discovery only. The attached Stipulation and Order Regarding Consolidation and Related Matters describes the process that is to be followed. Now, therefore,

IT IS HEREBY ORDERED that the Clerk of the Court shall consolidate the above-captioned case with *Emerson v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12576 for purposes of discovery only.

IT IS FURTHER ORDERED that counsel shall follow the protocol outlined in the attached Stipulation and Order Regarding Consolidation and Related Matters.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 13, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 13, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIERRA EMERSON,

Case No. 2:22-cv-12576

Plaintiff,

HONORABLE STEPHEN J. MURPHY, III

v.

BLUE CROSS BLUE SHIELD OF
MICHIGAN,

Defendant.

**STIPULATION AND ORDER
REGARDING CONSOLIDATION AND RELATED MATTERS**

The Court held a scheduling conference and issued a scheduling order. ECF 25. At the conference, the Court discussed with the parties the possibility of consolidating before the Court, for purposes of discovery, thirty-two similar cases filed in this district. The cases include:

1. *Salvatore Biondo v. LifeSecure Insurance Company*, 2:23-cv-11145
2. *Jacqulyn Bradley v. Blue Cross Blue Shield of Michigan*, 4:22-cv-12577
3. *Jamie Burzan v. Blue Cross Blue Shield of Michigan*, 4:22-cv-12900
4. *Chris Casciano v. LifeSecure Insurance Company*, 2:23-cv-11149
5. *Indeiria Clark v. Blue Cross Blue Shield of Michigan*, 2:22-cv-13016
6. *Michael Daubenmeyer v. LifeSecure Insurance Company*, 2:23-cv-10474
7. *Cheryl Dean v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12874
8. *Angela Dickhudt v. Cobx Co.*, 2:22-cv-12838
9. *Ranjeet Escamilla v. Blue Cross Blue Shield of Michigan*, 2:23-cv-10279
10. *Elizabeth Francis v. Blue Cross Blue Shield of Michigan*, 1:22-cv-12890
11. *Lisa Frizzell v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12899
12. *Gina Galli v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12876
13. *Jeff Garczynski v. Accident Fund Insurance Company*, 2:22-cv-12615
14. *Khaneisha Gardner v. Blue Cross Blue Shield of Michigan*, 4:23-cv-11084
15. *Gina Guerra v. Blue Cross Blue Shield of Michigan*, 5:22-cv-12893
16. *Christie Hayman v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12877
17. *Scott Holley v. Blue Cross Blue Shield of Michigan*, 2:23-cv-11372

18. *Matthew Vaughn Housepian v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12878
19. *Charita Kelly v. LifeSecure Insurance Company*, 4:23-cv-11375
20. *Abigail Langerak v. Blue Cross Blue Shield of Michigan*, 4:22-cv-12880
21. *Juana Lowe v. Blue Cross Blue Shield of Michigan*, 4:22-cv-12881
22. *Najean Lucky v. Cobx Co.*, 4:22-cv-12514
23. *Carmen Peeples v. Blue Cross Blue Shield of Michigan*, 2:23-cv-11147
24. *Brooke Pung v. Tessellate, LLC*, 2:23-cv-10475
25. *Rachel Riesing v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12883
26. *Nina Riley v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12886
27. *Ryan Romano v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12901
28. *Crystal Sesi v. Blue Cross Blue Shield of Michigan*, 2:23-cv-10838
29. *Allyson Silverthorn v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12887
30. *Renee Stallworth v. Blue Cross Blue Shield of Michigan*, 5:22-cv-12898
31. *Nichole Stevens v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12894
32. *Shannon Wojtowicz v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12888

The parties then submitted to the Court's chambers a stipulation in which they agreed to consolidate the above thirty-two cases before the Court, along with 101 putative plaintiffs' anticipated cases, for purposes of discovery. After review of the stipulation, the Court will enter it and consolidate the thirty-two cases, along with the 101 putative plaintiffs' anticipated cases, for purposes of discovery only.¹

WHEREFORE, it is hereby **ORDERED** that the stipulation of the parties is **ENTERED**.

IT IS FURTHER ORDERED that the above thirty-two pending cases are **CONSOLIDATED** before the Court, along with the 101 putative plaintiffs' anticipated cases, for purposes of discovery.

¹ The thirty-two above-listed cases will not be consolidated or companioned with 2:22-cv-12576 in their entirety. In fact, the consolidation is only for discovery, and the consolidation contemplated in this order is limited to that purpose. As the below stipulation describes, all discovery-related filings will be filed on the 2:22-cv-12576 docket. But all other filings, including dispositive motions, will be filed on the docket of each respective case.

IT IS FURTHER ORDERED that the Clerk of the Court must **CONSOLIDATE** the above-listed thirty-two cases with the present case, *Emerson v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12576, for purposes of discovery.

IT IS FURTHER ORDERED that counsel in each of the above-listed thirty-two pending cases must **FILE** an appearance in *Emerson v. Blue Cross Blue Shield of Michigan*, 2:22-cv-12576.

IT IS FURTHER ORDERED that any discovery deadlines currently scheduled in the above-listed thirty-two pending cases are **VACATED**. Any other deadlines in those thirty-two cases, including dispositive motion deadlines, will **REMAIN** as is.

IT IS FURTHER ORDERED that the 101 putative plaintiffs, as listed in the stipulation, must **FILE** complaints **no later than August 31, 2023**.

IT IS FURTHER ORDERED that all defendants must **RESPOND** to any complaints filed by the 101 putative plaintiffs **no later than October 31, 2023**.

IT IS FURTHER ORDERED that, if filed, any of the 101 putative cases must **INCLUDE** the following caption designation in the complaint: “*Consolidated with Case No. 2:22-cv-12576 for purposes of discovery*.”

IT IS FURTHER ORDERED that the parties must **EXCHANGE** discovery requests **no later than August 31, 2023**.

IT IS FURTHER ORDERED that the parties must **RESPOND** to the discovery requests **no later than November 30, 2023**.

IT IS FURTHER ORDERED that the parties must **COMPLETE** discovery **no later than January 31, 2024.**

IT IS FURTHER ORDERED that the parties must **PROVIDE** to the Court joint-proposed party groupings **no later than February 29, 2024.**

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: July 28, 2023

STIPULATION

The above-captioned parties and their respective counsel of record hereby stipulate to the following:

WHEREAS, counsel for Plaintiffs has advised of another 101 putative plaintiffs, listed below, who allegedly filed in February 2022 Charges of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”), but who allegedly have not yet received a Notice of Right to Sue from the EEOC;

WHEREAS, in the interest of judicial economy and to promote efficiency for all parties involved, the parties and their counsel desire to have the above-captioned cases consolidated, together with the 101 putative plaintiffs’ to-be-filed cases, for purposes of discovery;

WHEREAS, in reliance on the above allegations, Defendants agree to waive the requirement that the 101 putative plaintiffs actually receive a Notice of Right to Sue before filing their anticipated complaints;

WHEREAS, Defendants expressly and fully reserve their rights to challenge any issue relative to the EEOC Charges of Discrimination allegedly filed, including but not limited to the timeliness, sufficiency, accuracy, or propriety of same;

WHEREAS, Defendants further expressly and fully reserve their rights to assert any and all other defenses permitted by law, including but not limited to the existence of an arbitration agreement, any defense applicable to a plaintiff that *did* already receive a Notice of Right to Sue letter but did not timely file a complaint, and any defense applicable to the exhaustion of administrative remedies;

WHEREAS, in the event the EEOC does not later issue a Notice of Right to Sue Letter to one or more of the putative plaintiffs because the EEOC files suit relative to one or more of the putative plaintiffs, the Defendants will have the right to withdraw the above waiver as to those particular plaintiff(s).

NOW, THEREFORE:

IT IS HEREBY ORDERED that, for purposes of discovery, the following, already-pending cases are consolidated, with Case No. 2:22-cv-12576 being the “lead” case:

- Case No. 2:23-cv-11145
- Case No. 4:22-cv-12577
- Case No. 4:22-cv-12900
- Case No. 4:23-cv-11149
- Case No. 2:22-cv-13016
- Case No. 2:23-cv-10474
- Case No. 2:22-cv-12874
- Case No. 2:22-cv-12838
- Case No. 2:23-cv-10279
- Case No. 1:22-cv-12890
- Case No. 2:22-cv-12899
- Case No. 2:22-cv-12876
- Case No. 2:22-cv-12615
- Case No. 4:23-cv-11084
- Case No. 5:22-cv-12893
- Case No. 2:22-cv-12877
- Case No. 2:23-cv-11372
- Case No. 2:22-cv-12878
- Case No. 4:23-cv-11375
- Case No. 4:22-cv-12880
- Case No. 4:22-cv-12881
- Case No. 2:22-cv-12514
- Case No. 2:23-cv-11147
- Case No. 2:23-cv-10475
- Case No. 2:22-cv-12883
- Case No. 2:22-cv-12886
- Case No. 2:22-cv-12901
- Case No. 4:23-cv-10838

- Case No. 2:22-cv-12887
- Case No. 5:22-cv-12898
- Case No. 2:22-cv-12894
- Case No. 2:22-cv-12888

IT IS FURTHER ORDERED that, to the extent Case No. 2:22-cv-12576 (the “lead” case) is disposed of by this Court (e.g., due to the existence of an agreement to arbitrate), the Court will still keep the case administratively open for purposes of the remaining parties’ consolidation;

IT IS FURTHER ORDERED that the following 101 putative plaintiffs shall file their complaints **not later than August 31, 2023**, which shall: (i) also be consolidated with Case No. 2:22-cv-12576 (for purposes of discovery); and (ii) when filed, include the following designation on the caption:

“Consolidated with Case No. 2:22-cv-12576 for purposes of discovery.”

IT IS FURTHER ORDERED that the 101 putative plaintiffs are as follows:

1.	Chris	Adams
2.	Michele	Anderson
3.	Latoya	Armstrong
4.	Noor	Atisha
5.	Renee	Bacon
6.	Anastasia	Bakhareva
7.	Carmella	Baldino
8.	Kitty	Beard
9.	Theresa	Behling
10.	Christina	Bloch
11.	Denzell	Blockett
12.	Christina	Bloom
13.	Shantal	Blythe
14.	Samantha	Browe
15.	Joshua	Brown
16.	Laura	Chevrette
17.	Karena	Clark
18.	Toyoka	Collins

19.	Ingrid	Darga
20.	Lisa	Dayble
21.	Catherine	Delbrugge
22.	Kelly	DeLeeuw
23.	Klaudia	Dell
24.	Tammy	Dial
25.	Lisa	Domski
26.	LaJuana	Dorsey
27.	Nicholas	Dreshaj
28.	Rachel	Drouillard
29.	Michael	Ehred
30.	Christina	Estes
31.	Sherry	Ford
32.	La'Keisha	Franklin
33.	Nadine	Garcia
34.	Penny	Garza
35.	Faye	Geroche
36.	Tracy	Glass
37.	Dorian	Gray
38.	Suhey	Groulx
39.	Tina	Gueccia
40.	Jennifer	Gundel
41.	Veronica	Habbo
42.	Rebecca	Harris
43.	Dawn	Harvey
44.	Renee	Helppie-Chase
45.	Christanna	Hemingway
46.	Margaret	Hodson
47.	Kathryn	Johnson
48.	Ghada	Joseph
49.	Dana	Kennedy
50.	Valerie	Kleinheksel
51.	Denise	Kolen
52.	Jody	Kovich
53.	Keri	Kublnick
54.	Lisa	Lagocki
55.	Amber	Lewis
56.	Audrey	Lidtke
57.	Kristy	Loomis
58.	Kilian	MacKay
59.	Camalia	Mann
60.	Brenda	Manni
61.	Aaron	Manzella

62.	Cindy	Masserman
63.	Amy	Matt
64.	Payton	Matzinger
65.	Heather	McDonald
66.	Stephanie	McGuire
67.	Amy	McKolay
68.	Todd	Merz
69.	Breana	Miles
70.	Lisa	Mitchell
71.	Nathan	Morales
72.	Tanya	Morgan
73.	Akeya	Muhammad
74.	Chelsea	Murray
75.	Tress	Nafsu
76.	Jason	Partin
77.	Angelene	Polk
78.	Ceneca	Pratt
79.	Nathan	Repke
80.	Denise	Roberson
81.	Laura	Rucker
82.	Richard	Rupert
83.	Paula	Rutter
84.	Cindy	Schroeder
85.	Michelle	Sherry
86.	Julie	Sibel
87.	Karen	Skender
88.	Jasmine	Smith
89.	Kaytlyn	Smith
90.	Kennesha	Smith
91.	Sabrina	Smith
92.	Melodie	Snipes
93.	Michelle	Sobczynski
94.	Anyssa	Spencer
95.	Kathy	Swartz
96.	Stacey	Wayland
97.	Paul	Whibley
98.	Shannon	Williams
99.	Todd	Woodburn
100.	Greg	Zdyrski
101.	Neviana	Zemblaku

IT IS FURTHER ORDERED that Defendants shall respond to the complaints, as permitted by the Federal Rules of Civil Procedure, **on or before October 31, 2023**;

IT IS FURTHER ORDERED that, until further order of this Court, and except for pleadings and dispositive motions, any filings with this Court regarding a consolidated case need only be made in Case No. 2:22-cv-12576, regardless of which of the consolidated case(s) to which the filing pertains; any pleadings and/or dispositive motions (including motions to compel arbitration) shall continue to be filed in the specific case to which the filing applies;

IT IS FURTHER ORDERED that the parties shall exchange by **August 31, 2023** the same template discovery requests (interrogatories, requests to admit, and discovery requests) that were served in the cases consolidated in the United States District Court Western District of Michigan, without prejudice to the right to issue in good faith additional discovery requests consistent with the Federal Rules of Civil Procedure;

IT IS FURTHER ORDERED that the parties shall provide written responses to the template discovery requests by **November 30, 2023**;

IT IS FURTHER ORDERED that, relative to the template discovery requests, the parties shall make best efforts to complete their production of documents by **January 31, 2024**;

IT IS FURTHER ORDERED that the parties shall jointly provide to the Court by **February 29, 2024**, proposed party-groupings for purposes of anticipated settlement conferences;

IT IS FURTHER ORDERED that all future dates in any scheduling orders otherwise entered in any of the consolidated cases, are hereby adjourned and replaced with the aforementioned dates.

SO ORDERED.

Respectfully submitted:

By: /s/ Brandon C. Hubbard
Scott R. Knapp (P61041)
Brandon C. Hubbard (P71085)
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Dated: July 14, 2023